

**Remarks/Arguments:**

Claims 4 and 6-9, previously presented, are pending.

Claims 1-3 and 5 are canceled, without prejudice or disclaimer.

Claims 4 and 6-9 were rejected under 35 USC 102(b) as allegedly anticipated by US5129296 (Wayne). Reconsideration is requested.

The "motor spindle" of rejected, and present, claim 9 is structured to work (cut) an elastomer *in the radial direction*, i.e., the "motor spindle" is limited to (*emphasis added*) "indexable inserts or annular cutting tools provided on said radial periphery and *attacking in the radial direction*." Applicants submit that Wayne fails to disclose a "motor spindle" that is structured (limited) to cut an elastomeric roller "in the radial direction," as recited in rejected, and present, claim 9. A limitation on the rejected (and present) claims being absent from Wayne, anticipation is negated. *Kolster Speedsteel A B v. Crucible Inc.*, 230 USPQ 81 (Fed. Cir. 1986). Withdrawal of the rejection appears to be in order.

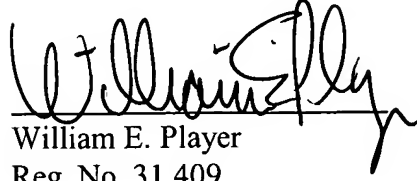
Applicants incorporate herein by reference their remarks of record with respect to the rejection under 35 USC 112, ¶1, and the corresponding objection to the specification.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

  
William E. Player  
Reg. No. 31,409

400 Seventh Street, NW  
The Jenifer Building  
Washington, D.C. 20004  
Tel. (202) 638-6666  
Fax (202) 393-5350  
Date: November 21, 2006  
WEP/id

R:\Home\thomas\wep\2006\November\P63366US1 response.wpd